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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/702,933	10/31/2000	Craig Mahaney	Sprint-IDF-1499(4000-0250	9940
28003	7590	06/17/2005	EXAMINER	
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			TAYLOR, BARRY W	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 06/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/702,933

Applicant(s)

MAHANEY, CRAIG

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bridger et al. (6,272,209 hereinafter Bridger) in view of Gidwani (6,640,239)

Regarding claims 10, 14, 18 and 22. Bridger teaches an apparatus for determining the operational status of an integrated services hub supporting a plurality of telephone lines (Title, abstract), comprising:

a plurality of subscriber line interface circuits (SLIC), the number of SLICs equaling the number of telephone lines ... (col. 1 lines 5-67, columns 2-10, see subscriber line interface circuits in figures 3-5);

at least one subscriber line access circuit connected to the SLICs to detect an off-hook condition in the telephone line (col. 2 lines 40-67, col. 3 lines 1-3, col. 3 lines 60-62, col. 5 lines 41-43, col. 7 lines 1-10);

a power monitor for monitoring the status of AC power to the integrated services hub (see "LIFELINE" in the Title, abstract, col. 3 lines 60-63, col. 5 lines 41-43, col. 6 lines 4-67, col. 7 lines 26-28, lines 39-41, col. 8 lines 4-6, lines 26-31);

a telephony controller, the telephony controller receiving notification from the power monitor regarding the AC power status (see "LIFELINE" in the Title, abstract, col.

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3 lines 60-63, col. 5 lines 41-43, col. 6 lines 4-67, col. 7 lines 26-28, lines 39-41, col. 8 lines 4-6, lines 26-31), the telephony controller receiving notification from the SLAC on an off-hook condition (col. 3 lines 60-63, col. 5 lines 41-45, col. 6 lines 29-31, columns 7-10).

Bridger does not explicitly show signaling to the user that the AC power has failed.

Gidwani teaches an apparatus and method for intelligent scalable switching (title, abstract) wherein Lifeline Service capability is provided (columns 12-13 and 59-60).
Gidwani recognizes that prior art life line services are carried only over the pots lines (col. 12 lines 17-18) power via central office life line. Gidwani provides power management at the Customer Premise side (col. 12 line 57-59) by using battery backup circuitry that is automatically charged during times when power is available to the system (col. 13 lines 1-33). Gidwani discloses that subscriber is notified when power failure occurs (see col. 13 lines 24-33 wherein indicator used to notify user of battery backup in a power outage condition, see columns 59-60 wherein subscriber is specifically notified that central office is in a lifeline services only mode and consequently no data or video services are enabled, as well as, given specific reason why power failure occurred).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to employ power

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management at the Customer Premise as taught by Gidwani for the benefit of providing subscribers with voice or IP.

Regarding claims 11-12, 15-16, 19-20 and 23-24. Gidwani notifies subscriber when power failure occurs (see col. 13 lines 24-33 wherein indicator used to notify user of battery backup in a power outage condition, see columns 59-60 wherein subscriber is specifically notified that central office is in a lifeline services only mode and consequently no data or video services are enabled, as well as, given specific reason why power failure occurred).

Regarding claims 13, 21 and 25. Bridger teaches wherein the telephony controller and the power monitor are software components (see first line of abstract, columns 1-10).

Regarding claim 17. Bridger teaches wherein the telephony controller and the power monitor are software components (see first line of abstract, columns 1-10).

Method claims 1-4 are rejected for the same reasons as apparatus claims 10-13 since the recited apparatus would perform the claimed steps.

Method claims 5-9 are rejected for the same reason as apparatus claims 14-17 since the recited apparatus would perform the claimed steps.

Response to Arguments

2. Applicant's arguments filed 2/14/05 have been fully considered but they are not persuasive.

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a) Regarding Applicant's remarks starting at the bottom of page 8 and continuing to top of page 9, paper dated 2/14/05 wherein Applicants contend that there is no teaching or motivation for one skilled in the art to combine the references and that the references actually teach away from any such combination and when power is lost, the VOIP service stops because it depends on power at the customer premises. When power is lost, the VOIP service stops because it depends on power at the customer premises.

The Examiner disagrees. Applicant's independent claims are extremely vague in that all that is required is to detect power failure and notify user that power failure has occurred. Applicant's independent claims are not concerned with providing local power supply and/or power supplied from remote location.

b) Next Applicant's argue that Gidwani uses only VOIP services and does not provide POTS service (see page 9, second full paragraph, paper dated 2/14/05).

The Examiner notes that Applicant's independent claims have nothing to do with VOIP services or POTS services. Instead Applicant's independent claims generally recite AC power is monitored to notify customer.

c) Applicant's repeat arguments at the top of page 10. See sections a-b listed directly above.

d) Next, Applicant's argue (see last paragraph on page 10, paper dated 2/14/05) that Bridger monitors the power at the telephone company equipment and does not provide VOIP service when power fails.

The Examiner notes that Applicant's independent claims are extremely silent with respect to providing VOIP service when power fails. Therefore, Bridger col. 1 lines 45-51 use of batteries when failure occurs at CPE would alone read on Applicant's general claim language.

e) Next, Applicants argue (top of page 11, paper dated 2/14/05) that the suggested combination would not provide a system that would provide the subscriber with voice over IP services when power fails.

The Examiner notes that the combination does not have to show VOIP services when power failure occurs. Instead, Bridger does not explicitly show signaling to the user that the AC power has failed.

Gidwani teaches an apparatus and method for intelligent scalable switching (title, abstract) wherein Lifeline Service capability is provided (columns 12-13 and 59-60).
Gidwani recognizes that prior art life line services are carried only over the pots lines (col. 12 lines 17-18) power via central office life line (**note that this is what Applicant's are currently arguing**).
Gidwani provides power management at the Customer Premise side (col. 12 line 57-59) by using battery backup circuitry that is automatically charged during times when power is available to the system (col. 13 lines 1-33).
Gidwani discloses that subscriber is notified when power failure occurs (see col. 13 lines 24-33 wherein indicator used to notify user of battery backup in a power outage condition, see columns 59-60 wherein subscriber is specifically notified that central office is in a lifeline services only mode and consequently no data or video services are enabled, as well as, given specific reason why power failure occurred).

Therefore, it would have been obvious to any one of ordinary skill in the art at the time the invention was made to modify the invention of Bridger to employ power management at the Customer Premise as taught by Gidwani for the benefit of providing subscribers with voice or IP.

Conclusion

3. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (571) 272-7499. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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